

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

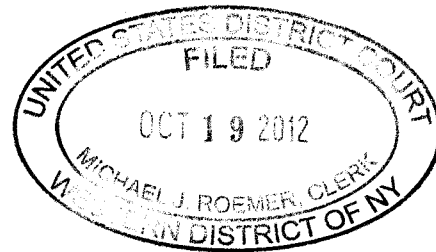
GARY GILLARD,

Plaintiff,

-v-

STEPHEN LASKOWSKI, being sued in his individual
and official capacity,

Defendants.



-PS-O-

DECISION AND ORDER
12-CV-0794S

On August 21, 2012, plaintiff an inmate of the Upstate Correctional Facility, filed a pro se complaint but failed to file an application to proceed *in forma pauperis* with a Prison Authorization or to submit the \$350.00 filing fee. The Court entered an Order directing plaintiff to submit a completed application to proceed *in forma pauperis* that included both a signed prison certification section and a Prison Authorization as required by 28 U.S.C. § 1915(a)(2)-(b)(1)-(4). (Docket No. 2.) On September 18, 2012, plaintiff advised the Court of his transfer to the Attica Correctional Facility and a remark was noted on the docket report. On September 25, 2012, plaintiff filed an application to proceed *in forma pauperis* with a completed prison certification section but it did not include a Prison Authorization as required (Docket No. 3), and without which this action cannot proceed. The Court's initial Order had advised plaintiff that the Court needed an application to proceed *in forma pauperis* with a completed prison certification

section and a Prison Authorization and if plaintiff did not submit them to the Court by October 11, 2012, this action would be dismissed without prejudice.

Upon receipt of the application to proceed *in forma pauperis*, the Clerk's Office forwarded to plaintiff another copy of the Court's Order with a Prison Authorization Form. This mailing however was returned to the Clerk's Office with notations on the envelope that plaintiff had refused the mailing on two occasions, October 5 and 9, 2012.

Accordingly, because plaintiff has failed to file a Prison Authorization as required, this action is dismissed without prejudice.

IT IS SO ORDERED.



HONORABLE RICHARD J. ARCARA
DISTRICT JUDGE
UNITED STATES DISTRICT COURT

Dated: Oct. 18, 2012